

03/05/02
Jc931 U.S. PTO

03-06-02

A

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No: 28110/35761A

J1011 U.S. PTO
10/091085
03/05/02

**CONTINUING APPLICATION TRANSMITTAL
UNDER 37 CFR 1.53(b)**

**Box Patent Application
Commissioner for Patents
Washington, D.C. 20231**

Sir:

This is a request under 37 CFR 1.53 for filing a

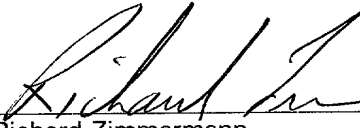
- ☒ continuation application.
☐ divisional application.

1. Particulars of Prior Application

Application Serial No: 09/350,836
Filed on: July 9, 1999
Title: Methods and Materials Relating to CD39-Like Polypeptides
Art Unit: 1644
Examiner: Amy DeCloux, Ph.D.
Prior Docket No.: 28110/35761

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this Continuing Application Transmittal Under 37 CFR 1.53(b) and the documents referred to as enclosed therewith are being deposited with the United States Postal Service on **March 5, 2002**, in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231 utilizing the "Express Mail Post Office to Addressee" service of the United States Postal Service under Mailing Label No. **EK 657825942 US**


Richard Zimmermann

2. This request is filed by:

| | | | |
|--------------------------------|---|--|---|
| 1. Full Name of Inventor | Family Name Ford | First Given Name John | Second Given Name |
| Residence & Citizenship | City San Mateo | State or Foreign Country California | Country of Citizenship USA |
| Post Office Address | Post Office Address 2763 South Norfolk | City San Mateo | State & Zip Code/Country California, 94403 |

| | | | |
|--------------------------------|---|--|---|
| 2. Full Name of Inventor | Family Name Mulero | First Given Name Julio | Second Given Name J |
| Residence & Citizenship | City Palo Alto | State or Foreign Country California | Country of Citizenship USA |
| Post Office Address | Post Office Address 892 South Hampton Drive | City Palo Alto | State & Zip Code/Country California, 94303 |

- ☐ This application is being filed by less than all the inventors named in the prior application. An accompanying statement requests deletion of the name(s) of the person(s) who are not inventors of the invention being claimed in this application.

3. **Amendments**

- ☐ A Preliminary Amendment is enclosed.
- ☒ Cancel claims 2-32 in the prior application before calculating the filing fee.
- ☒ The filing fee is based upon entry of the foregoing amendment(s) (if any).

4. **Copy of Prior Application**

- ☒ The enclosed is a copy of the prior complete application, including the specification (with claims), drawings, the oath or declaration, and any amendments referred to in the oath or declaration filed to complete the prior application.

5. **Sequence Listing**

The Sequence Listing in the above-identified application is identical to that in parent application U.S. Serial No. 09/350,836, filed July 9, 1999. In accordance with 37 C.F.R. 1.821(e), Applicants request that the Patent Office use the identical computer readable form of the Sequence Listing from the parent application as the computer readable form in the present application. The paper copy of the Sequence Listing included in the present specification is identical to the computer readable form of the Sequence Listing in U.S. Serial No. 09/350,836.

6. **Incorporation By Reference**

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under paragraph 4, above, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

7. **Priority**

- ☐ Priority of application No. _____, filed on _____ in _____ is claimed under 35 USC 119.
- ☐ The certified copy(ies) was(were) filed in prior U.S. application Serial No. _____.
- ☐ The certified copy(ies) has(have) not been filed.

8. **Assignment**

- ☒ The prior application is assigned of record to Hyseq, Inc., and has been recorded at Reel No. 010374, Frame No. 0667.

9. **Small Entity Status**

☒ Applicant claims small entity status. See 37 CFR 1.27.

☐ A small entity statement is(are) attached.

10. **Application to Be Published**

☒ Yes.

☐ No. A Request and Certification Under 35 U.S.C. §122(b)(2)(B)(i) is attached.

11. **Fee Calculation**

| CLAIMS AS FILED - INCLUDING PRELIMINARY AMENDMENT (IF ANY) | | | | | | |
|---|-----------|-----------|--------------|----------|---------------------------|----------|
| | | | SMALL ENTITY | | OTHER THAN A SMALL ENTITY | |
| | NO. FILED | NO. EXTRA | RATE | FEE | RATE | FEE |
| BASIC FEE | | | | \$370.00 | | \$740.00 |
| TOTAL | 1-20 | =0 | X 9 = | | X 18 = | \$ |
| INDEP. | 1- 3 | =0 | X 42 = | | X 84 = | \$ |
| <input type="checkbox"/> First Presentation of Multiple Dependent Claim | | | + 140 = | | + 280 = | \$ |
| Filing Fee: | | | | \$370.00 | OR | \$ |

12. **Method of Payment of Fees**

☒ Attached is a check in the amount of: \$370.00

☐ Charge Deposit Account No. 13-2855 in the amount of: \$
A copy of this Transmittal is enclosed.

13. **Deposit Account and Refund Authorization**

The Commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees which may be required during the pendency of this application under 37 CFR 1.16 or 37 CFR 1.17 to Deposit Account No. 13-2855. A copy of this Transmittal is enclosed.

Please refund any overpayment to Marshall, Gerstein & Borun at the address below.

14. Correspondence Address

Customer No.: 04743

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN
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(312) 474-0448 (Telefacsimile)

By: _____

Matthew C. Nielsen
Registration No. 51,106
Attorney for Applicants

March 5, 2002